

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TRICORE, INC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-12393-JGD
)	
SAFECO INSURANCE COMPANY OF)	
AMERICA, and R.P. IANNUCCILLO &)	
SONS CONSTRUCTION CO.,)	
Defendants.)	

**JOINT MOTION OF TRICORE, INC., SAFECO INSURANCE COMPANY OF
AMERICA, AND R.P. IANNUCCILLO & SONS CONSTRUCTION CO.
TO CONTINUE STATUS CONFERENCE**

Now comes Plaintiff Tricore, Inc. ("Tricore"), Defendants Safeco Insurance Company of America ("Safeco"), and Defendant R.P. Iannuccillo & Sons Construction Co. ("RPI") (collectively, "the Parties"), and hereby move the Court, to continue the Status Conference set in the above-captioned action for fifteen (15) days to allow the Parties to document the settlement of all claims between the parties, and file the appropriate stipulation of dismissal with prejudice.

In support of this motion, the Parties state as follows:

1. This litigation involves numerous claims, counterclaims, and cross-claims arising from disputes among the Parties in connection with a construction project known as "Sherrill House – Frank Wood Expansion."

2. The following motions are presently pending before the Court: (1) Safeco(Tricore)'s Motion for Summary Judgment in connection with RPI's cross-claim; (2) Safeco (RPI)'s Motion to Enforce Settlement Agreement against Tricore; and (3) RPI's Motion to Amend Cross-Claim against Safeco.

3. On or about March 20, 2006, Safeco(RPI) and Tricore reached an agreement with respect to the settlement and dismissal with prejudice of Tricore's claims pending in this action (the "Tricore Settlement"). The Tricore Settlement is memorialized in a fully executed Settlement Agreement dated March 20, 2006. The Tricore Settlement obviates Safeco(RPI)'s pending Motion to Enforce Settlement Agreement against Tricore.

4. On or about March 21, 2006, RPI reached an agreement with Safeco(RPI) (the "RPI Settlement") pursuant to which RPI agreed to dismiss with prejudice any and all claims pending in this action against Safeco(RPI), Safeco(Tricore), and Tricore. The RPI Settlement is memorialized in a Memorandum of Understanding dated March 21, 2006.

5. Following the RPI Settlement on March 21, 2006, a dispute arose between Safeco(RPI) and RPI regarding the parties' respective settlement obligations.

6. Safeco(RPI) and RPI recently resolved such dispute, but need adequate time to prepare and execute a formal settlement agreement.

7. In the interest of conserving the resources of both the Court and the Parties, a brief continuance of the Status Conference, until a date after June 15, 2006, will afford Safeco(RPI) and RPI the opportunity to appropriately document the settlement, and will ultimately obviate the necessity of a Status Conference.

For the reasons set forth herein, the Parties respectfully request that the Court continue the Status Conference until a date after June 15, 2006, to allow Safeco(RPI) and RPI to prepare and execute a formal settlement agreement, as well as the corresponding stipulation of dismissal with prejudice of all claims pending in this action.

Respectfully submitted:

SAFECO INSURANCE COMPANY OF
AMERICA

By its attorneys,

/s/ Jonathan C. Burwood

Bradford R. Carver , BBO#565396
Jonathan C. Burwood, BBO# 643674
Sarah A. Billeri, BBO#661256
HINSHAW & CULBERTSON LLP
One International Place, 3rd Floor
Boston, MA 02110
(617) 213-7000

R.P. IANNUCCILLO & SONS
CONSTRUCTION CO.

By its attorneys,

/s/ David M. Campbell

David M. Campbell, Esq., BBO# 645512
VISCONTI & BOREN, LTD.
55 Dorance Street
Providence, RI 02903
(401) 331-3800

TRICORE, INC.

By its attorneys,

/s/ Edward D. Kutchin

Edward D. Kutchin, Esq., BBO# 281920
Kerry R. Northup, Esq., BBO# 633016
KUTCHIN & RUFO, P.C.
155 Federal Street
Boston, MA 02110
(617) 542-3000

CROSSCLAIM DEFENDANT
SAFECO INSURANCE COMPANY OF
AMERICA

By its attorneys,

/s/ Dennis C. Cavanaugh

Dennis C. Cavanaugh, Esq., BBO# 639556
Patrick M. Birney, Esq. (Admitted in CT only)
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
185 Asylum Street
Hartford, CT 06103
(860) 275-6457

Dated: May 31, 2006